

Remarks

This amendment is being filed in response to the Office Action dated February 19, 2008. For the following reasons, this application should be considered in condition for allowance and the case passed to issue.

Claim Rejections – 35 USC §112

Claims 1-20 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Applicant have carefully amended the claims to address the Examiner's points regarding alleged unclearness of the limitations in the claims. Accordingly, it is respectfully submitted that the claims as currently amended particularly point out and distinctly claim the subject matter regarded as the invention. Reconsideration and withdrawal of the rejection of claims 1-20 under 35 U.S.C. §112, second paragraph, are therefore respectfully requested.

Claim Rejections – 35 USC §102 and 103

Claims 1-3, 17 and 20 were rejected under 35 U.S.C. §102(e) as being anticipated by Crampton et al. (hereinafter "Crampton"). Claims 4-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Crampton in view of Wojcik et al. (hereinafter "Wojcik"). Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Crampton and Wojcik and further in view of Chappel. Claims 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Crampton in view of Benda et al. (hereinafter "Benda"). These rejections are hereby traversed and reconsideration and withdrawal thereof are respectfully requested. The following is a comparison of the present invention as currently claimed with the applied references.

Embodiments of the present invention, such as recited in claim 1, relate to a computer-implemented method for distributing parts to customer locations in a volume-based fair share mode. The method comprises the steps of prioritizing requests for parts from inventory, and prioritizing customer locations that have need for the parts to create priorities for the customer locations. A shipping plan is formed by iteratively performing the steps of: assigning a defined minimum size allotment of the parts to the customer location having a current highest priority; and re-assigning the priorities of the customer locations; until all of the parts in inventory have been assigned or no customer location needs more of the parts assigned.

The volume-based fair share mode to distribute the parts to the customer locations employs a minimum size allotment of the parts to the customer locations based on their priorities. The purpose of the algorithm is to bring each site with demand for the same part number to the same percentage need and eventually back to 100%, to thereby fulfill the definition of balanced inventory (see paragraph [23] in the specification). Minimum quantity, or minimum lot size, is used to act as a catalyst for a revolving algorithm. Using this minimum lot size, the request of the highest priority is addressed and the minimum lot size is subtracted from this request and set aside in a temporary shipping document. The requests from the customer locations are then re-prioritized and run through the same scenario. The references do not show or suggest such an arrangement.

Crampton U.S. Patent Application Publication 2003/0149631 relates to a system and method for order planning with attribute based planning. The Examiner refers to Figure 4 of Crampton, and particularly recursive steps 404-428 to show the formation of a shipping plan by assigning a defined minimum size allotment of the parts to a location having the current highest priority. However, the discussion of Figure 4 and the step shown in Figure 4 of Crampton do not

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show a defined minimum size allotment of the parts to the customer location having a current highest priority. It appears from Figure 2D, in step 228, the highest priority order is selected and the order is processed. In paragraph [0131], states that Figure 4 is a full process 400 for resource planning in order to fulfill demands as defined by orders and generally represents step 228 of Figure 2B. There does not appear to be any indication in Figure 4B that a defined minimum size allotment of the parts is created and then assigned to locations having a current highest priority, followed by reassigning the priorities of the locations, followed by assigning the defined minimum size allotment to the now current highest priority location. In other words, a defined minimum size allotment is not used in the disclosed system and method of Crampton. Therefore, Crampton cannot show or suggest forming a shipping plan by iteratively: assigning a defined minimum size allotment of the parts to the customer location having a current highest priority; and re-assigning the priorities of the customer locations; until all of the parts from inventory have been assigned or no customer location needs more of the parts assigned. Similar limitations are provided in claim 17, which describes forming a shipment plan by iteratively; assigning a defined minimum size allotment of the parts to the customer location having a current highest priority; and re-assigning the priorities of the customer locations. Hence, both independent claims 1 and 17 should be considered allowable over the Crampton reference.

The Wojcik, Chappell and Benda references were not alleged by the Examiner to contain disclosure that supplies the deficiencies noted above with respect to the Crampton reference. Accordingly, even if these references were to be combined with Crampton, independent claims 1 and 17 would not be made obvious. Furthermore, since claims 2-16 and 18-19 further depend from and limit independent claims 1 and 17, these dependent claims should also be considered allowable since they inherit the patentability of claims 1 and 17.

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Claim 20 is a system claim employing means-plus-function format to claim a limitation. In particular, the limitation recites means for forming a shipping plan of the goods to said customer locations on a volume-based fair share pieces. When evaluating a claim for patentability in the 35 U.S.C. §112, sixth paragraph, the corresponding structure disclosed in the specification must be considered. It is respectfully submitted that the Examiner has not made such a consideration since Crampton fails to disclose the means for forming a shipment plan of the goods to the customer locations on a volume-based fair share basis in accordance with the system disclosed in the specification. In particular, the system disclosed in the specification includes a computer that is configured to form a shipment plan by iteratively assigning a defined minimum size allotment of the parts to the customer location as the current highest priority; and re-assigning the priorities of the customer locations. Therefore, claim 20 should also be considered allowable over the rejection based on Crampton.

For all of the above reasons, the rejections of claims 1-20 under 35 U.S.C. §103(a) should be reconsidered and withdrawn and such action is courteously solicited.

In light of the amendments and remarks above, this application should be considered in condition for allowance and the case passed to issue. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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SDO 112836-1.050103.0543